

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

DAVID E. SHAFER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 07-4173-CV-C-NKL
	)	
WARREN COUNTY JAIL, et al.,	)	
	)	
Defendants.	)	

**ORDER**

On September 19, 2007, United States Magistrate Judge William A. Knox recommended dismissing plaintiff's claims. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record, including the exceptions filed by plaintiff on September 27, 2007. The record indicates plaintiff is not eligible to proceed in forma pauperis under the provisions of 28 U.S.C. § 1915, because of his status as a frequent filer. His complaint concerns temporary placement on several occasions in lock-down status without a hearing. There is no allegation that being locked down without a hearing places him in imminent danger of serious physical injury, and his exceptions do not support such an allegation. The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$455.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of September 19, 2007, is adopted. [5] It is further

ORDERED that plaintiff is denied leave to proceed in forma pauperis and his claims are dismissed, without prejudice, pursuant to 28 U.S.C. § 1915(g).

/s/

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NANETTE K. LAUGHREY  
United States District Judge

Dated: January 11, 2008  
Jefferson City, Missouri